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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,565	06/25/2003	Kurt M. Hunter	MS#301487.1 (5012)	3343
321	7590	11/29/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			CHAWAN, SHEELA C	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/603,565

**Applicant(s)**

HUNTER ET AL.

**Examiner**

Sheela C. Chawan

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 and 30-36 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-29 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 14 is/are rejected.
- 7) ☒ Claim(s) 6-13 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/23/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/25/03, 2/3/06, 10/17/06</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 6/25/03, 2/3/06 and 10/17/06, the information disclosure statement is being considered by the examiner.

***Drawings***

2. The Examiner has approved drawings filed on 12/23/06.

***Claim Objections***

3. Claim 6 is objected to because of the following informalities:

Claim 6, line 1, dependencies of claim 6 cannot be on claim 6 it should be on claim 5. Appropriate correction is required.

***Response to Amendment***

***Election/Restrictions***

4. Applicant's amendment filed on 10/31/06 have been entered and made of record.

In response to applicant's amendment and persuasive arguments see page 10 of remarks has been fully considered.

Claims 18- 20 and 31-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made with traverse filed on 10/31/06

Applicant's election with traverse of group II claims 14-17 and 21-29. filed on 10/31/06 is acknowledge.

Claims 18-20, 30 and 31-36 are withdrawn.

Claims 1-17 and 21- 29 are pending in the application.

***Response to Argument***

5. Applicant's arguments, see page 10 lines 4 - 7, of the remarks, filed 10/31/06, with respect to group II, claims 14-17 and 21-29, have been fully considered and are persuasive.

On page 10 of the remarks see lines 8-15 applicant argues about group I, claims 1-14 have been fully considered and are persuasive. The restriction rejection of claims 1-14 has been withdrawn and the examiner has considered examining group I, claims 1-14 and group II claims 14-17, 21- 29 and going to make a art rejection.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Leinhart et al., (US. 6, 597,859 B1).

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As to claim 1, Leinhardt discloses a computer-readable medium having computer (fig 1, item 150 ) executable instructions for segmenting a plurality of video shots within one or more video files (abstract) comprising:

determining instructions for determining a time corresponding to each video shot ( column 4, lines 23-26);

organizing instructions for organizing the video shots in a sequence according to the determined time corresponding to each video shot ( column 4, lines 38- 40);

determining instructions for determining a time gap between two successive shots in the organized sequence( column 4, lines 38- 40); and

segmenting instructions for grouping the video shots of the video file into a first plurality of clusters as a function of the determined time gaps (column 4, lines 38-48, 56-62).

As to claim 2, Leinhardt discloses the computer-readable medium of claim 1, wherein each video shot includes a video frame having video frame data, wherein the video frame data includes time and date data, and wherein the determining instructions include instructions for determining the time corresponding to each video shot from the video frame data ( column 4, lines 56- 62).

As to claim 3, Leinhardt discloses the computer-readable medium of claim 2, wherein the determined time gap corresponds to a length of time between the determined time of a first video shot and the determined time of a subsequent video shot in the organized sequence ( column 5, lines 13-20, 63-68, column 7, lines 40- 67, column 8, lines 10-20).

As to claim 4, Leinhardt discloses the computer-readable medium of claim 1, wherein the organizing instructions includes instructions for organizing the video shots into a chronological order based on the determined time corresponding to each video shot ( column 5, lines 56-62).

As to claim 5, Leinhardt discloses the computer-readable medium of claim 1, wherein the segmenting instructions includes instructions for comparing the determined time gaps between successive video shots in the organized sequence, and wherein two successive video shots are grouped into one of the clusters when their corresponding determined time gap indicates they are substantially close in time ( column 6, lines 50- 58).

As to claim 14, see the rejection of claim 1 above.

***Allowable Subject Matter***

7. Claims 6-13 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Allowable Subject Matter***

8. Claims 21- 29 are allowed.

***Other prior art cited***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gong et al., (US. 7,016,540 B1) discloses method and system for segmentation, classification, and summarization of video images.

Girgensohn et al., (US. 6,807,306 B1) discloses time-constrained keyframe selection method.

Xu et al., (US. 6,813,313 B2) discloses method and system for high-level structure analysis and event detection in domain specific videos .

Jun et al., (US. 7,027,509 B2) discloses hierarchical hybrid shot change detection method for MPEG-compressed video.

**Contact Information**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan  
Patent Examiner  
Group Art Unit 2624  
November 20, 2006

  
SHEELA CHAWAN  
PRIMARY EXAMINER